



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,395	03/13/2001	Harold E.A. Hansen II	16312-P001C1	7984

7590 08/14/2003

Attention: Kelly K. Kordzik
Winstead Sechrest & Minick P.C.
Suite 800
100 Congress Avenue
Austin, TX 78701

EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 08/14/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,395

Applicant(s)

HANSEN ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,12,13,16,18-20,24-27,58-61 and 69-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,12,13,16,18-20,24-27,58-61 and 69-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 2, 6, 13, 16, 18-20, 24-27, 58-61, 69, 71 and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharma et al (US-PAT-NO: 5,452,289).

Sharma et al teach a call and voice processing system with switching circuitry to connect a call to a telecommunications device connected to the system, the voice processing circuitry interacting with the call and controlled by a single microprocessor (the claimed "not more than one microprocessor"; Fig.3; column 8 line 25 – column 9 line 10; column 10 line 10-14; column 39 line 51 – column 40 line 16; column 10 line 45 – column 11 line 32; column 41 line 47-66). Sharma et al teach those features and functions via reference to the specific passages cited and as

Art Unit: 2645

pertains to the system operable by a single set of software, recording of the call, facsimile tone detection, call processing tone generator for generating and transmitting messages, listening to a voice signal, activating recording, and storing recorded voice signal, monitor a voice mail message while the message is being recorded (column 38 line 16-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al (US: 5,452,289), and in view of Daly et al (US: 5,274,738).

All rejections stated in claim 1 above apply.

Regarding “the voice processing circuitry further comprises a signal processing circuitry coupled to the single processing means”, Sharma et al teach on item 306 Fig. 3 “voice control digital signal processor circuit” (the claimed “voice processing circuitry”). The “voice control DSP” of item 306 is the claimed “signal processing circuitry”. The “voice processing circuitry” is coupled to the item 3131 Fig. 3 “main controller” (the claimed single processing means”.

Art Unit: 2645

Sharma et al failed to teach “switching circuitry further comprises a digital cross-point matrix coupled to the single processing means and to the signal processing circuitry”. However, Daly teaches (Fig. 1) a telephone call and voice processing system (14) including switching circuitry in form of digital cross point matrix (via TDM chip) to receive a call and connect the call to a telecommunication device (22a-22b) coupled to the system and voice processing circuitry for interacting with the call.

It would have been obvious to one skilled at the time the invention was made to modify Sharma et al to have the switching circuitry further comprises a digital cross-point matrix coupled to the single processing means and to the signal processing circuitry as taught by Daly et al such that the modified system of Sharma et al would be able to support the digital cross-point matrix to the system users.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma et al (US:5,452,289), and in view of Tsuda (US:5,091,932).

All rejections stated in claim 1 apply.

Sharma et al failed to teach “the signal processing circuitry further includes: a DTMF receiver for recognizing DTMF tones from the call”. However, Tsuda teaches on column 3 line 66 – column 4 line 18 the DTMF signal is received and recognized.

It would have been obvious to one skilled at the time the invention was made to modify Sharma et al to have the signal processing circuitry further includes: a DTMF receiver for recognizing DTMF tones from the call as taught by Tsuda such that the modified system of Sharma et al would be able to support the DTMF receiver to the system users.

Response to Arguments

4. Applicant's arguments filed on 5/30/03 have been fully considered but they are not persuasive.

i) Applicant argues, on page 11, regarding the Examiner has not clearly set for the rejections. However, The Examiner disagree. The Examiner recited clearly the figure number, column numbers, and line numbers of the referenced prior art in the Office Action. The Applicant, who is one skilled in the art, should be able to read the recited sections of the referenced prior art for the rejections. The Examiner elaborates some rejections as follow.

- Regarding claims 1, 2, 6, 13, the item 306 Fig. 3 of Sharma et al is the claimed “voice processing circuitry”. The item 310 “MUX” is the claimed “switching circuitry”. Per Newton’s Telecom Dictionary, Harry Newton, eighth edition, “switching” is defined as “connecting the calling party to the called party. This may involve one or many physical switches”. Therefore, the “MUX” is a ‘switching circuitry’.
- Regarding claim 16, Sharma et al teach on column 15 line 62-63 DTMF tone generator.
- Regarding claim 18, Sharma et al teach on column 3 line 16-17 the “voice control DSP” controls the recording.

Art Unit: 2645

- ii) Applicant argues, on page 11, regarding the limitation “controlled by a single microprocessor”. The Applicant argues the Fig. 1 of the referenced prior art (Sharma et al) shows more than one microprocessors. However, the rejections recited in Paper No. 7 (First Office Action), the Examiner referred to Fig. 3 of Sharma et al. While Fig. 3 corresponds to item 20 of Fig. 1, but, Fig. 3 itself has telephone call and voice processing functions that is exactly what the Applicant claimed “A telephone call and voice processing system”. The item 313 of Fig. 3 “main controller” is the claimed “single processor” (see column 8 line 55-68).
- iii) Applicant argues, on page 11-12, regarding the limitation “single set of software” of claim 6. Relative to the response as stated in item (i) above regarding single microprocessor”, the software resides on Fig. 3 of Sharma et al is the claimed “a single set of software”.
- iv) Applicant argues, on page 12, regarding claim 19. Sharma et al teach on column 10 line 28-30 “leave a voice message at the sound of a tone”. The “sound of a tone” of Sharma et al is the claimed “a tactilely initiated activating signal”. Sharma et al also teach on column 6 line 64-66 “on-screen push button for recording of two-way conversation”.
- v) Applicant argues, on page 14, regarding claim 60. Sharma et al teach on column 10 line 29 “invite the caller to leave a message” (reads on claimed “voice signal originated from the call to the system”).

Art Unit: 2645

- vi) Applicant argues, on page 14, regarding claim 69. Sharma et al teach on item 20 (corresponding to Fig. 3) of Fig. 1 connects to one of a plurality of telecommunication devices (items 90, 70, 20a, 60, and 10 of Fig. 1).
- vii) Applicant argues, on page 14, regarding claim 71. Sharma et al teach on items 20a and 90 (claimed “telephone extension”) of Fig. 1. Either item 20a or 90 shows a telephone handset (claimed “circuitry for listening to a voice signal”).
- viii) Applicant argues, on page 15, regarding claim 72. Sharma et al teach on column 44 line 19-20 and step 3601 Fig. 37 “listen”. While a voice mail message is received and recorded it can also be listened (claimed “monitor”) at the same time (before the message is selected at step 3603 for further review or edit).
- ix) Applicant argues, on page 15, regarding claims 3 and 70. Per Newton’s Telecom Dictionary, Harry Newton, eighth edition, the “crosspoint” is defined as “A single element in an array of elements that comprise a switch. It is a set of physical or logical contacts that operate together to extend the speech and signal channels in a switching network”. The Fig. 1 of Daly et al teach a set of physical contacts to and from the TDM chip for extending the speech signals.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2645

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to TC2600's Customer Service FAX Number 703-872-9314.

Application/Control Number: 09/805,395

Page 9

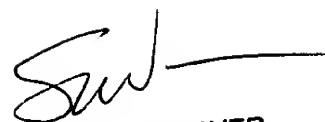
Art Unit: 2645

Patent Examiner

Art Unit 2645

Ming Chow

(m)



SCOTT L. WEAVER
PRIMARY EXAMINER

Art Unit 2645